

Supporting Statement

Application to vary Condition 14 of Application 4/16/2415/O01

Prepared on behalf of Thomas Armstrong (Construction) Ltd



Report Details

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1	Final	24/05/24	SG	
2	Final	03/06/24	SG	Change to commentary regarding Condition 14
3	Final	05/08/24	SG	Change to temporary access arrangements
4	Final	22/08/24	SG	Omission of Conditions 6, 8, 10, 13, 15, 16, 17 and 18

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1 Introduction

- 1.1.1 This Supporting Statement has been provided to explain the proposed change to the wording of Conditions 14 of Application 4/16/2415/O01 in order that third parties can understand the proposed change to the condition in question.

2 The Proposed Variation to Condition 14

2.1.1 Condition 14 currently states that:

“The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- 1. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 25% of housing units unless otherwise agreed in writing by the Local Planning Authority;*
- 2. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- 3. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;*
- 4. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and;*
- 5. The occupation criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

Reason

In the interests of ensuring that affordable housing is provided within the borough, in accordance with Policies ST1 and SS3 of the Copeland Local Plan.”

2.1.2 It is proposed that the condition be reworded as follows:

“No work shall commence on the dwellings hereby approved until a scheme for the provision of affordable housing as part of the development has been submitted to and approved, in writing, by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- 1. The numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 10% of housing units unless otherwise agreed in writing by the Local Planning Authority;*
- 2. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;*
- 3. The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved;*
- 4. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing, and;*
- 5. The occupation criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.*

Reason

In the interests of ensuring that affordable housing is provided within the borough, in accordance with Policies ST1 and SS3 of the Copeland Local Plan.”

2.1.3 The principal change relates to the timing that the affordable housing scheme has to be presented to the Council as it will enable work to commence on site whilst the required s106 agreement is completed. The Council has been asked to prepare the s106 agreement and the Council are in the process of doing so.

2.1.4 It is also proposed that the percentage of affordable housing to be provided is amended from 25% to 10%.

2.1.5 The reason for the change in the level of affordable housing is to bring the wording of the condition in line with the emerging Local Plan Policy H8 which requires the 10% of housing to be affordable homes. The emerging Local Plan is at an advance stage and should be given significant weight. The provision of 10% affordable homes also accords with Paragraph 66 of the National Planning Policy Framework (NPPF).

2.1.6 The proposed level of affordable housing equates to 10.5%. The Council's Housing Team has previously advised via Application 4/24/2035/0B1 that they are *"...comfortable with the changes to the house type mix"*.

2.1.7 Via the previous applications the applicant has not highlighted the abnormal costs associated with bringing the site forward; however, there are certainly significant viability issues affecting site, including (but not limited to):

- Protection of existing water mains and associated limitations on both design and construction;
- Ground investigation costs;
- Abnormal geotechnical issues – foundations, floor slabs, road construction techniques – associated with former use as open cast mine;
- Diverting and maintaining existing field drainage systems;
- PRow matters;
- Off-site foul sewerage connection(s);
- Off-site surface water survey and rights;
- S278 highway improvement works.

2.1.8 In light of the above, and the threshold set in the emerging Local Plan and the NPPF, the modification of 25% to 10% is justified.

3 Summary

- 3.1.1 The proposed change to Condition 14 brings the affordable housing requirement in line with the Council's emerging Local Plan, which, given its advanced stage, should be given significant weight.
- 3.1.2 The change to the timescale that the affordable housing scheme has to be presented to the Council does not undermine the objective of the condition as the affordable housing scheme has to be agreed prior to any work commencing on the proposed dwelling.
- 3.1.3 It is submitted that the change to the condition in question is slight and that there will be no fundamental alteration to the overarching objective of the condition. As such, there is no justification to withhold consent for the proposed variation of the condition in question.